## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES ANTELL,

Plaintiff,

**CIVIL ACTION** 

NO. 13-1482

FIRST NIAGARA BANK, et al.,

v.

Defendant.

## **ORDER**

**AND NOW**, this 7th day of April 2014, upon consideration of Defendants' Motions to Dismiss Plaintiff's Amended Complaint (Doc. Nos. 29 & 30), Plaintiff's Motion for leave to file a Second Amended Complaint (Doc. No. 33), his Motion for leave to file a Revised Second Amended Complaint (Doc. No. 36), and Defendants' responses thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

- The Motion for leave to file the Second Amended Complaint (Doc. No. 33) is **DENIED** as moot:
- The Motion for leave to file the Revised Second Amended Complaint (Doc. No. 36) is **DENIED** as futile:
- The Amended Complaint (Doc. no. 28) is **DISMISSED with prejudice**, except with respect to Plaintiff's claims for a preliminary injunction and declaratory judgment, which are **DISMISSED** without prejudice to Plaintiff's right to seek such relief or assert related legal theories as defenses in an appropriate court if the dispute ripens;
  - 4. The case remains **CLOSED**.

IT IS SO ORDERED.

BY THE COURT:
/s/ Cynthia M. Rufe
CYNTHIA M. RUFE, J.